

DATE OF MEETING April 25, 2022

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**SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1229  
– 4771 HAMMOND BAY ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development permit application for a multi-family residential townhouse development with five units at 4771 Hammond Bay Road.

### **Recommendation**

That Council issue Development Permit No. DP1229 at 4771 Hammond Bay Road for a multi-family residential townhouse development, with the following variances to:

- reduce the minimum required side yard setback from 3.0m to 1.77m along the east property line;
- increase the maximum combined retaining wall and fence height within the front yard setback from 1.2m to 2.4m; and within the side and rear yards from 2.4m to 3.7m;
- increase the maximum combined retaining wall and fence height outside of the required yard setbacks from 3.0m to 3.95m; and,
- reduce the required minimum landscape buffer width from 1.8m to 0m along the east side property line.

## **BACKGROUND**

A development permit application, DP1229, was received from HSC Ventures Ltd., for a multi-family residential townhouse development with five units to be located at 4771 Hammond Bay Road. A rezoning application (RA401) to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) was approved in 2020.

### **Subject Property and Site Context:**

<i>Zoning</i>	R6 - Low Density Residential
<i>Location</i>	The subject property is located in the Hammond Bay Road neighbourhood near Vista View Crescent and Roxanne Park.
<i>Total Area</i>	1,475m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Neighbourhood; Map 3 – Development Permit Area No. 9 - Commercial, Industrial, Institutional, Multiple Family, and Mixed Commercial/Residential Development
<i>Neighbourhood Plan</i>	Rocky Point-Hammond Bay-Stephenson Point Neighbourhood Plan
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines.

The subject property currently contains a single family dwelling that will be removed for the proposed multi-family development. The property slopes up by approximately 10m from Hammond Bay Road to the rear of the property and is surrounded by Single Dwelling Residential (R1) and Duplex Residential (R4) zoned lots to the east, west, south, and north across Hammond Bay Road. The property is approximately 600m southeast from Frank J. Ney Elementary School, and is approximately 900m southwest of Morningside and Neck Point Parks.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct a five-unit ground-oriented multi-family townhouse development consisting of one duplex and one triplex building. The maximum base Floor Area Ratio (FAR) in the R6 zone is 0.45 and an additional 0.10 FAR is permitted where a development meets Tier 1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) Schedule D - Amenity Requirements for Additional Density. The proposed development has an FAR of 0.55, and the applicant is proposing to meet Tier 1 by providing amenities including as follows:

- a minimum of 75% of the materials used in construction are renewable resources;
- a minimum of 50% of the property is covered with a permeable surface area; and,
- a bioswale is included to capture storm water runoff.

The building composition includes five 3-bedroom units that are approximately 140m<sup>2</sup> to 177m<sup>2</sup> in size.

### *Site Design*

The two buildings are accessed from an internal driveway, with the entrance from Hammond Bay Road. The duplex building (Building 1) is oriented toward the street with walkways connecting the public sidewalk to the entrance of each unit. Another pedestrian walkway along the internal drive aisle connects the rest of the development to the public sidewalk.

The triplex building (Building 2) is located to the rear of the property, overlooking Building 1. Parking and bicycle storage is provided within individual two-car garages which are located at the rear of Building 1 and at the front of Building 2. An electric bike charging station and a community mailbox area is provided adjacent to Building 1.

The refuse and recycling containers are individual totes to be stored within each unit and collected from the front entrances. In order to address the site's grade, concrete retaining walls are proposed within the site.

### *Building Design*

Each building will present a three-storey front elevation (facing Hammond Bay Road) and a two storey rear elevation, with a maximum height of 8.26m. The buildings have pitched rooflines that are characteristic of surrounding ground-oriented residential developments.

Exterior materials include horizontal fibre cement plank and fibre cement panel shingle siding, fascia board belly bands to break up each storey, aluminum garage doors, and double-glazed

vinyl-framed windows. Glazing is prominent on the front and rear of each building. Balconies on Building 1 provide small outdoor amenity spaces and further interest and articulation.

### *Landscape Design*

The proposed landscape plan consists of a rear buffer that includes planted, terraced retaining walls, rain barrels connected to a drip watering system, and fenced-in private amenity areas with outdoor patios. Landscaping in the front includes a low Allan Block wall, shrub beds and trees, concrete pavers leading to the entrances of Building 1, and fenced-in private amenity areas with outdoor patios.

There is a 6m statutory right-of-way (SRW) for City utilities along the west property line that is proposed to be configured with communal gardens for resident use, and finished with hydro-seed where significant vegetation cannot be planted. A retaining wall is proposed along the west side of the drive aisle between Buildings 1 and 2, and a shrub hedge will be planted above the wall. A cedar fence is proposed on the north, west, and south sides of the SRW.

A water feature will be located between the drive aisle and Building 1, and will act as a bioswale for onsite storm water management. The hard landscaping will be primarily permeable pavers and permeable asphalt on the upper driveway. Stamped concrete separates the internal pedestrian walkway from the internal drive aisle, which is finished with concrete pavers. Lighting will be provided on the east elevation of Building 1, adjacent to the internal pedestrian walkway, as well as beside the electric bike charging station and community mailboxes.

### **Design Advisory Panel**

The Design Advisory Panel, at its meeting held on 2021-JUN-24, accepted DP001229 as presented with support for the proposed variances. The following recommendations were provided:

- Consider adding cascading plants over retaining walls where possible;
- Consider varying the east side yard setback for Building 2 to provide space for a staircase on the west side of the property in order to internally access the right-of-way area; and,
- Consider the addition of a shared private amenity space for residents within the right-of-way area.

The applicant subsequently submitted revised plans to address the DAP recommendations. Key site design revisions include:

- Adding cascading or trailing plants to the taller retaining walls;
- Adjusting the setback for the east property line to allow space for an access stair along the west side of Building 2, and providing resident access to the garden plots within the SRW to the west;
- Providing garden plots as a shared amenity (one plot per unit), and minimal garden furniture. This improvement will allow access to the storm and sewer lines within the SRW.

## Proposed Variances

### *Side Yard Setbacks*

The minimum required side yard setback is 3m. The proposed side yard setback along the rear portion of the east property line is 1.77m, a requested variance of 1.23m.

In order to provide resident access to the common garden areas from the upper parking area, accommodating the proposed amenity space resulted in a shift of Building 2 toward the east property line necessitating a variance. This change allows for greater pedestrian connectivity onsite. The portion of the building subject to the 1.77m setback variance presents as a two-storey elevation to the east, neighbouring a two-storey duplex. A 1.5m side yard setback would be required for a single residential dwelling of a similar scale. A landscape buffer is also provided between the building and the east property line immediately adjacent to the building.

### *Fence Height*

The maximum permitted combined height for a retaining wall and fence is 1.2m within the front yard setback, and 2.4m within the side and rear yard setbacks. The applicant is proposing multiple retaining walls, with a maximum height of 2.4m within the front yard; 3.7m within the side and rear yards; and outside of the required yard setbacks from 3.0m to 3.95m. This represents requested variances of up to 1.2m within the front yard; 1.3m within the side and rear yards, and a variance of 0.95m outside of the required yard setbacks.

The slope of the land enables the project to step down towards Hammond Bay Road. The proposed grading has been selectively lowered from the existing grade to allow the building frontage to relate more directly to Hammond Bay Road and to be low enough to maximize views for the houses on Gulfview Drive to the south. The proposed grade changes are primarily in areas which are currently paved or developed. The retaining walls at the east property line are proposed to exceed the 2.4m heights by 1.0m in the worst cases. The rear yard stepped retaining walls, each at approximately 1.0m, collectively exceed the 2.4m height by 0.95m. There are no proposed fences on top of the retaining walls. Each wall will have either a continuous hedge as a buffer, or combination thereof with a 1.07m guardrail when required. Trailing plantings will be located at the top of the taller retaining walls to mitigate the visual impact of the walls, and to soften the effect of the rock.

### *Landscape Buffer*

Part 17 of the Zoning Bylaw requires that properties within the R6 zone meet a Minimum Landscape Treatment Level 2 within the side yard, with a minimum width of 1.8m. The proposed landscape plan does not meet the minimum width along the east property line, therefore, a variance is required.

Due to the topography of the property, the presence of services along the west property line, and that a retaining wall cannot be built within the SRW area, the vehicle access is required to be along the east property line. Placing the access drive on the east side of the property increases the driveway grade elevation, and requires a stepped arrangement of retaining walls without adequate space to provide a 1.8m wide landscape buffer. To buffer the drive aisle with landscaping, new continuous hedge planting is proposed along the property line at the top of the retaining wall. This will provide a substantial visual buffer to the neighbour.

Overall, the number of onsite trees will be increased by significantly more than 20%, and the area of pervious surfaces onsite will be increased by a minimum of 50% from the existing conditions.

Staff support the proposed variances.

### **SUMMARY POINTS**

- The applicant is proposing to construct a five-unit ground-oriented multi-family townhouse development consisting of one duplex and one triplex building.
- The slope of the land enables the project to step down towards Hammond Bay Road. The proposed grading has been selectively lowered from the existing grade to allow the building frontage to relate more directly to Hammond Bay Road and to be low enough to maximize views for the houses on Gulfview Drive to the south.
- Overall, the number of onsite trees will be increased by significantly more than 20%, and the area of pervious surfaces onsite will be increased by a minimum of 50% from the existing conditions.
- Staff support the proposed variances.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Site Plan  
ATTACHMENT E: Building Elevations and Details  
ATTACHMENT F: Building Rendering  
ATTACHMENT G: Landscape Plan and Details  
ATTACHMENT H: Schedule D – Amenity Requirements for Additional Density  
ATTACHMENT I: Aerial Photo

#### **Submitted by:**

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#### **Concurrence by:**

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